

File Date: Dec 13, 2007

Case No: 07cv 7013

**ATTACHMENT #** 1

## EXHIBIT

TAB (DESCRIPTION) *Continuation from "Count XV"*

confinement, and unlawful arrest by the Defendants and other members of the Chicago Police Department.

344. That on March 24, 2004, Defendant, Chicago Police Officer Allen Lee, knew or should have known that Frederick Tarver and other named Plaintiffs filed a complaint against The City of Chicago, Phil Cline, Terry G. Hillard, and Chicago Police Officers Scott, Blackledge, Gray, Hightower, Mason, Milz, Easter, Frazier, Howard, **Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, Joseph O'Carroll, J. Lopez, Gary Bush, Charles Daley, W. Ruck, P. O'Donovan, James Egan, Edward Carroll, John Haniacek, Kevin Bor and Chicago Police Sergeants Walsh, Howard, and Holy, and John Does One through Four.**
345. That the Defendant, Chicago Police Officer Allen Lee, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Jamie Kane, J. Weitzman, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that Frederick Tarver filed a lawsuit on March 24, 2004 against the City of Chicago, Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, and Joseph O'Carroll, alleging that Frederick Tarver was held against his will and coerced into identifying Timothy Petty as the shooter and

maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.

346. That the Defendant, Chicago Police Officer Allen Lee, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Jamie Kane, J. Weitzman, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that on October 14, 2005, Frederick Tarver gave a deposition indicating that he was held against his will and coerced into identifying Timothy Petty as the shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.
347. That on April 14, 2006, Defendant, Chicago Police Officer Allen Lee, knew or should have known that Frederick Tarver settled his case recovering damages against the Defendant, City of Chicago.
348. That on October 18, 2003, Defendant, Chicago Police Officer Allen Lee, knew or should have known that shooting victim Sebastian Moore was interviewed by Officer G. Kalfas, Star #19329 and Officer G. Johnson, Star #19324 and stated that the shooters were two unknown offenders, black in race, 16-18 years of age, and 5'0-5'5 1/2 inches tall, wearing all black, with skull caps and masks.

349. That on October 18, 2003, Defendant, Chicago Police Officer Allen Lee, knew or should have known that shooting victim Sebastian Moore stated to Chicago Police Officers William Davis, Star #20166 and Gregory Danz, Star #20111 that he had no idea who the offenders (shooters) were or why he got shot.
350. That on December 1, 2003, Defendant, Chicago Police Officer Allen Lee, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down the door of the home of Frederick Tarver, where Sebastian Moore was also located.
351. That on December 1, 2003, Defendant, Chicago Police Officer Allen Lee, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down and entered into the home of Frederick Tarver, where Sebastian Moore was also located, with guns drawn knowing such actions would cause Sebastian Moore to fear for his life and freedom.
352. That the Defendant, Chicago Police Officer Allen Lee, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Jamie Kane, J. Weitzman, and Elizabeth Dawson, by their actions and in concert with each other acted maliciously, willful, and wanton and in total disregard to Plaintiff's rights knowing or should have known that

Sebastian Moore was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest, by the Defendants and other members of the Chicago Police Department.

353. That on November 29, 2003, Defendant, Chicago Police Officer Allen Lee, knew or should have known that the Plaintiff, Timothy Petty, identified as Spank, was taken into custody and subsequently charged with 3 counts of First Degree Murder, 5 counts of Attempted First Degree Murder, 2 counts of Aggravated Battery with a Firearm, 5 counts of Aggravated Discharge of a Firearm, 6 counts of Aggravated Battery, 2 counts of Unlawful Use of Weapon by a Felon, and 4 counts of Aggravated Unlawful Use of a Weapon.
354. That on November 29, 2003, Defendant, Chicago Police Officer Allen Lee, knew or should have known that Plaintiff, Timothy Petty, informed Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, that he was in a different location at a public establishment at the time of the shooting and the Defendants maliciously, and with willful and wanton disregard, did not adequately investigate the Plaintiff, Timothy Petty's, alibi.
355. That on November 29, 2003, Timothy Petty was held in continuous custody in the Chicago Police Station and Cook County Jail until August 23, 2006.

356. That on August 23, 2006, Timothy Petty was found not guilty of all counts after a bench trial in front of the Honorable Clayton Crane at 2650 South California Avenue, Chicago, Illinois.
357. That the Defendant, Chicago Police Officer Allen Lee, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Jamie Kane, J. Weitzman, and Elizabeth Dawson, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested and/or caused the arrest of Plaintiff, Timothy Petty, for first degree murder, attempted first degree murder, aggravated battery with a firearm, aggravated discharge of a firearm, aggravated battery, unlawful use of a weapon by a felon, and aggravated unlawful use of a weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and caused him to be in the Chicago Police Department and the Cook County Department of Corrections, imprisoning him for more than 2 ½ years (997 days).
358. As a direct and proximate result of the aforesaid wrongful conduct by Defendants, the Plaintiff, Timothy Petty, suffered damages.
359. That the Defendant, Chicago Police Officer Allen Lee, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Jamie Kane, J. Weitzman, and Elizabeth Dawson, acting for themselves, and/or

in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested Plaintiff, Timothy Petty, for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and Aggravated Unlawful Use of a Weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and imprisoning him against his will.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, ALLEN LEE, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XVI**

**(Malicious Prosecution-Allen Lee)**

360. The Plaintiff re-alleges and re-incorporates by reference paragraphs 323 thru 359 of Count XV.
361. On November 29, 2003, the Defendant, Chicago Police Officer Allen Lee, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Jamie Kane, J. Weitzman, and Elizabeth Dawson , by initiating the criminal complaint, commenced and continued a criminal

case against Plaintiff, specifically, the case of People v. Timothy Petty,  
03CR28185 in the Circuit Court of Cook County.

362. In a bench trial for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and Aggravated Unlawful Use of a Weapon, Plaintiff, Timothy Petty was found Not Guilty.
363. The aforesaid criminal charges against Timothy Petty were terminated in his favor when he was found Not Guilty.
364. There was no probable cause for the criminal case against Timothy Petty.
365. The defendants acted with malice and/or with willful and wanton disregard of Plaintiff, Timothy Petty's, rights.
366. As a direct and proximate result of aforesaid wrongful conduct by defendants, Timothy Petty, suffered damages.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, ALLEN LEE, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XVII**

**(False Imprisonment-Jamie Kane)**

367. The Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 15 of Count I.
368. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew and should have known that Frederick Tarver, Lowell Hubbard, Sebastian Moore, Mario Parker, and Sergio Miller a/k/a Srdjen Kostic, could not identify the unknown shooters.
369. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, had information that Frederick Tarver was a known gang member and convicted felon.
370. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, had information that Frederick Tarver was present at the scene of the shooting and previously

told Chicago Police Officers that he could not identify the shooters because the shooters were wearing all black, with skull caps and masks.

371. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver was taken into custody and held against his will by Officer Elizabeth Dawson, a Chicago Police Officer, and other unknown Chicago Police Officers.
372. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver was held in custody at Area 3 Violent Crimes for 19 hours against his will by Defendants, Chicago Police Officers William Davis, Star #20166, Detective Gregory Danz, Star #20111, Detective Harry Fenner, Star #20625, and Detective J. Weitzman, Star #20307.
373. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Defendants, Chicago Police Officers William Davis, Gregory Danz, Harry Fenner, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew and should have known that Frederick Tarver, a known gang member and convicted felon, was unable to identify the alleged unknown shooters.
374. That on October 18, 2003, and October 19, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver was held in a locked room which had no windows, cement or hard tile floor, a hard wooden bench, and blank walls.

375. That on October 18, 2003 and October 19, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver was locked in the previously described room with no access to food or water, and no access to the washroom without request.
376. That on October 18, 2003 and October 19, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver was not given free access to leave, change clothes, and/or sleep except on a hard wooden bench even though he repeatedly requested to go home.
377. That on October 18, 2003 through October 19, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that the Defendants, Chicago Police Officers William Davis, Gregory Danz, Harry Fenner, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, told Frederick Tarver that he would be unable to leave the police station until he identified a person he knew as "Spank" in a photo array as one of the shooters.
378. That on October 19, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that after thirteen hours in custody, Frederick Tarver identified in a photo array a person he knew as "Spank" as a result of threats by Defendants, Chicago Police Officers William Davis, Gregory Danz, Harry Fenner, and J. Weitzman, and other unknown Chicago Police Officers acting as employees of the City of Chicago and on the City of Chicago's behalf.

379. That on October 19, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that after thirteen hours in custody, Frederick Tarver identified in a photo array a person he knew as "Spank" as a result of threats by Defendants, Chicago Police Officers William Davis, Gregory Danz, Harry Fenner, and J. Weitzman, and other unknown Chicago Police Officers, acting as employees of the City of Chicago and on the City of Chicago's behalf, breaking Frederick Tarver's will, including, but not limited to, fear of being wrongfully charged in the shooting incident, unlawful incarceration, and Frederick Tarver's desire to leave his current unlawful restraint.

380. That on October 18, 2003, the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, Allen Lee, Mark Regal, L. Thezan, J. Evans, and Joseph O'Carroll, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that the Plaintiff, Timothy Petty, had a nickname of "Spank", but also knew that he did not match the description given of the shooters since the Plaintiff was 5'11 and 22 years of age at the time of the incident.

381. That on November 29, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that the Plaintiff, Timothy Petty, was taken into custody without probable cause and unlawfully arrested by the Defendants, in concert with each other and by their actions, knowing that

Frederick Tarver could not identify Timothy Petty as being present and/or involved with the shooting.

382. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, acting as employees of the City of Chicago and on the City of Chicago's behalf, maliciously broke down the door of the home of Frederick Tarver.
383. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, acting as employees of the City of Chicago and on the City of Chicago's behalf, maliciously broke into the home of Frederick Tarver with guns drawn knowing such actions would cause Frederick Tarver to fear for his life and freedom.
384. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver was locked in an interrogation room against his will for approximately ten hours.
385. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Allen Lee, and Harry Fenner, by their actions and in concert with each other and other unknown officers, acted maliciously, willful, wanton, and in total disregard of the Plaintiff, Timothy Petty's, rights, by threatening

Frederick Tarver with Violation of Probation if he did not identify Timothy Petty in a line-up as one of the shooters.

386. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Defendants, Chicago Police Officers, including, but not limited to, Michael Conway, Mark Regal, Gregory Danz, William Davis, Harry Fenner, and Joseph O'Carroll, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that Frederick Tarver, a convicted felon and gang member, was unable to identify either of the shooters, was fearful of incarceration, was fearful of Violation of Probation, and was fearful of threats by Police Officers.
387. That the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, and J. Weitzman, by their actions and in concert with each other, acted maliciously, willful, wanton, and in total disregard to Plaintiff's rights, knowing or should have known that Frederick Tarver was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest by the Defendants and other members of the Chicago Police Department.
388. That on March 24, 2004, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver and other named Plaintiffs filed a complaint against The City of Chicago, Phil Cline, Terry

G. Hillard, and Chicago Police Officers Scott, Blackledge, Gray, Hightower, Mason, Milz, Easter, Frazier, Howard, **Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, Joseph O'Carroll, J. Lopez**, Gary Bush, Charles Daley, W. Ruck, P. O'Donovan, James Egan, Edward Carroll, John Haniacek, Kevin Bor and Chicago Police Sergeants Walsh, Howard, and Holy, and John Does One through Four.

389. That the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that Frederick Tarver filed a lawsuit on March 24, 2004 against the City of Chicago, Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, and Joseph O'Carroll, alleging that Frederick Tarver was held against his will and coerced into identifying Timothy Petty as the shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.

390. That the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that on October 14, 2005, Frederick Tarver gave a deposition indicating that he was held against his will and coerced into identifying Timothy Petty as the shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.
391. That on April 14, 2006, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Frederick Tarver settled his case recovering damages against the Defendant, City of Chicago.
392. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that shooting victim Sebastian Moore was interviewed by Officer G. Kalfas, Star #19329 and Officer G. Johnson, Star #19324 and stated that the shooters were two unknown offenders, black in race, 16-18 years of age, and 5'0-5'5 1/2 inches tall, wearing all black, with skull caps and masks.
393. That on October 18, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that shooting victim Sebastian Moore stated to Chicago Police Officers William Davis, Star #20166 and Gregory Danz,

Star #20111 that he had no idea who the offenders (shooters) were or why he got shot.

394. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down the door of the home of Frederick Tarver, where Sebastian Moore was also located.
395. That on December 1, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down and entered into the home of Frederick Tarver, where Sebastian Moore was also located, with guns drawn knowing such actions would cause Sebastian Moore to fear for his life and freedom.
396. That the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, by their actions and in concert with each other acted maliciously, willful, and wanton and in total disregard to Plaintiff's rights knowing or should have knowing that Sebastian Moore was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest, by the Defendants and other members of the Chicago Police Department.

397. That on November 29, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that the Plaintiff, Timothy Petty, identified as Spank, was taken into custody and subsequently charged with 3 counts of First Degree Murder, 5 counts of Attempted First Degree Murder, 2 counts of Aggravated Battery with a Firearm, 5 counts of Aggravated Discharge of a Firearm, 6 counts of Aggravated Battery, 2 counts of Unlawful Use of Weapon by a Felon, and 4 counts of Aggravated Unlawful Use of a Weapon.
398. That on November 29, 2003, Defendant, Chicago Police Officer Jamie Kane, knew or should have known that Plaintiff, Timothy Petty, informed Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, that he was in a different location at a public establishment at the time of the shooting and the Defendants maliciously, and with willful and wanton disregard, did not adequately investigate the Plaintiff, Timothy Petty's, alibi.
399. That on November 29, 2003, Timothy Petty was held in continuous custody in the Chicago Police Station and Cook County Jail until August 23, 2006.
400. That on August 23, 2006, Timothy Petty was found not guilty of all counts after a bench trial in front of the Honorable Clayton Crane at 2650 South California Avenue, Chicago, Illinois.
401. That the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway,

Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested and/or caused the arrest of Plaintiff, Timothy Petty, for first degree murder, attempted first degree murder, aggravated battery with a firearm, aggravated discharge of a firearm, aggravated battery, unlawful use of a weapon by a felon, and aggravated unlawful use of a weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and caused him to be in the Chicago Police Department and Cook County Department of Corrections, imprisoning him for more than 2 ½ years (997 days).

402. As a direct and proximate result of the aforesaid wrongful conduct by Defendants, the Plaintiff, Timothy Petty, suffered damages.
403. That the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested Plaintiff, Timothy Petty, for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and

Aggravated Unlawful Use of a Weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and imprisoning him against his will.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, JAMIE KANE, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XVIII**

**(Malicious Prosecution-Jamie Kane)**

404. The Plaintiff re-alleges and re-incorporates by reference paragraphs 367 thru 403 of Count XVII.
405. On November 29, 2003, the Defendant, Chicago Police Officer Jamie Kane, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Elizabeth Dawson, by initiating the criminal complaint, commenced and continued a criminal case against Plaintiff, specifically, the case of People v. Timothy Petty, Case Number 03CR28185 in the Circuit Court of Cook County.
406. In a bench trial for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and

Aggravated Unlawful Use of a Weapon, Plaintiff, Timothy Petty was found Not Guilty.

407. The aforesaid criminal charges against Timothy Petty were terminated in his favor when he was found Not Guilty.
408. There was no probable cause for the criminal case against Timothy Petty.
409. The defendants acted with malice and/or with willful and wanton disregard of Plaintiff, Timothy Petty's, rights.
410. As a direct and proximate result of aforesaid wrongful conduct by defendants, Timothy Petty, suffered damages.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, JAMIE KANE, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XIX**

**(False Imprisonment-J. Weitzman)**

411. The Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 15 of Count I.
412. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's

behalf, knew and should have known that Frederick Tarver, Lowell Hubbard, Sebastian Moore, Mario Parker, and Sergio Miller a/k/a Srdjen Kostic, could not identify the unknown shooters.

413. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, had information that Frederick Tarver was a known gang member and convicted felon.
414. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, and Jamie Kane, acting as employees of the City of Chicago and on the City of Chicago's behalf, had information that Frederick Tarver was present at the scene of the shooting and previously told Chicago Police Officers that he could not identify the shooters because the shooters were wearing all black, with skull caps and masks.
415. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver was taken into custody and held against his will by Officer Elizabeth Dawson, a Chicago Police Officer, and other unknown Chicago Police Officers.

416. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver was held in custody at Area 3 Violent Crimes for 19 hours against his will by Defendant, Chicago Police Officer J. Weitzman, Star #20307, and other Chicago Police Officers, including, but not limited to, Chicago Police Officers William Davis, Star #20166, Detective Gregory Danz, Star #20111, and Detective Harry Fenner, Star #20625.
417. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, William Davis, Gregory Danz, and Harry Fenner, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew and should have known that Frederick Tarver, a known gang member and convicted felon, was unable to identify the alleged unknown shooters.
418. That on October 18, 2003, and October 19, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver was held in a locked room which had no windows, cement or hard tile floor, a hard wooden bench, and blank walls.
419. That on October 18, 2003 and October 19, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver was locked in the previously described room with no access to food or water, and no access to the washroom without request.
420. That on October 18, 2003 and October 19, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick

Tarver was not given free access to leave, change clothes, and/or sleep except on a hard wooden bench even though he repeatedly requested to go home.

421. That on October 18, 2003 through October 19, 2003, the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, William Davis, Gregory Danz, and Harry Fenner, acting as employees of the City of Chicago and on the City of Chicago's behalf, told Frederick Tarver that he would be unable to leave the police station until he identified a person he knew as "Spank" in a photo array as one of the shooters.
422. That on October 19, 2003, after thirteen hours in custody, Frederick Tarver identified in a photo array a person he knew as "Spank" as a result of threats by Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, William Davis, Gregory Danz, and Harry Fenner, and other unknown Chicago Police Officers acting as employees of the City of Chicago and on the City of Chicago's behalf.
423. That on October 19, 2003, after thirteen hours in custody, Frederick Tarver identified in a photo array a person he knew as "Spank" as a result of threats by Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, William Davis, Gregory Danz, and Harry Fenner, and other unknown Chicago Police Officers, acting as employees of the City of Chicago and on the City of

Chicago's behalf, breaking Frederick Tarver's will, including, but not limited to, fear of being wrongfully charged in the shooting incident, unlawful incarceration, and Frederick Tarver's desire to leave his current unlawful restraint.

424. That on October 18, 2003, the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, Jamie Kane, Allen Lee, Mark Regal, L. Thezan, J. Evans, and Joseph O'Carroll, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that the Plaintiff, Timothy Petty, had a nickname of "Spank", but also knew that he did not match the description given of the shooters since the Plaintiff was 5'11 and 22 years of age at the time of the incident.
425. That on November 29, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that the Plaintiff, Timothy Petty, was taken into custody without probable cause and unlawfully arrested by the Defendants, in concert with each other and by their actions, knowing that Frederick Tarver could not identify Timothy Petty as being present and/or involved with the shooting.
426. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, acting as employees of the City of Chicago

and on the City of Chicago's behalf, maliciously broke down the door of the home of Frederick Tarver.

427. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, acting as employees of the City of Chicago and on the City of Chicago's behalf, maliciously broke into the home of Frederick Tarver with guns drawn knowing such actions would cause Frederick Tarver to fear for his life and freedom.
428. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver was locked in an interrogation room against his will for approximately ten hours.
429. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Chicago Police Officers, including, but not limited to, Jamie Kane, Allen Lee, and Harry Fenner, by their actions and in concert with each other and other unknown officers, acted maliciously, willful, wanton, and in total disregard of the Plaintiff, Timothy Petty's, rights by threatening Frederick Tarver with Violation of Probation if he did not identify Timothy Petty in a line-up as one of the shooters.
430. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Defendants, Chicago Police Officers, including, but not limited to, Michael Conway, Mark Regal,

Gregory Danz, William Davis, Harry Fenner, and Joseph O'Carroll, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that Frederick Tarver, a convicted felon and gang member, was unable to identify either of the shooters, was fearful of incarceration, was fearful of Violation of Probation, and was fearful of threats by Police Officers.

431. That the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, and Jamie Kane, by their actions and in concert with each other, acted maliciously, willful, wanton, and in total disregard to Plaintiff's rights, knowing or should have known that Frederick Tarver was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest by the Defendants and other members of the Chicago Police Department.
432. That on March 24, 2004, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver and other named Plaintiffs filed a complaint against The City of Chicago, Phil Cline, Terry G. Hillard, and Chicago Police Officers Scott, Blackledge, Gray, Hightower, Mason, Milz, Easter, Frazier, Howard, **Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, Joseph O'Carroll, J. Lopez, Gary Bush, Charles Daley, W. Ruck, P. O'Donovan,**

James Egan, Edward Carroll, John Haniacek, Kevin Bor and Chicago Police Sergeants Walsh, Howard, and Holy, and John Does One through Four.

433. That the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that Frederick Tarver filed a lawsuit on March 24, 2004 against the City of Chicago, Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, and Joseph O'Carroll, alleging that Frederick Tarver was held against his will and coerced into identifying Timothy Petty as the shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.

434. That the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that on October 14, 2005, Frederick Tarver gave a deposition

indicating that he was held against his will and coerced into identifying Timothy Petty as the shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.

435. That on April 14, 2006, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Frederick Tarver settled his case recovering damages against the Defendant, City of Chicago.
436. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that shooting victim Sebastian Moore was interviewed by Officer G. Kalfas, Star #19329 and Officer G. Johnson, Star #19324 and stated that the shooters were two unknown offenders, black in race, 16-18 years of age, and 5'0-5'5 1/2 inches tall, wearing all black, with skull caps and masks.
437. That on October 18, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that shooting victim Sebastian Moore stated to Chicago Police Officers William Davis, Star #20166 and Gregory Danz, Star #20111 that he had no idea who the offenders (shooters) were or why he got shot.
438. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark

Regal and Michael Conway, maliciously broke down the door of the home of Frederick Tarver, where Sebastian Moore was also located.

439. That on December 1, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down and entered into the home of Frederick Tarver, where Sebastian Moore was also located, with guns drawn knowing such actions would cause Sebastian Moore to fear for his life and freedom.
440. That the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, by their actions and in concert with each other acted maliciously, willful, and wanton and in total disregard to Plaintiff's rights knowing or should have knowing that Sebastian Moore was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest, by the Defendants and other members of the Chicago Police Department.
441. That on November 29, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that the Plaintiff, Timothy Petty, identified as Spank, was taken into custody and subsequently charged with 3 counts of First Degree Murder, 5 counts of Attempted First Degree Murder, 2 counts of Aggravated Battery with a Firearm, 5 counts of

Aggravated Discharge of a Firearm, 6 counts of Aggravated Battery, 2 counts of Unlawful Use of Weapon by a Felon, and 4 counts of Aggravated Unlawful Use of a Weapon.

442. That on November 29, 2003, Defendant, Chicago Police Officer J. Weitzman, knew or should have known that Plaintiff, Timothy Petty, informed Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, that he was in a different location at a public establishment at the time of the shooting and the Defendants maliciously, and with willful and wanton disregard, did not adequately investigate the Plaintiff, Timothy Petty's, alibi.
443. That on November 29, 2003, Timothy Petty was held in continuous custody in the Chicago Police Station and Cook County Jail until August 23, 2006.
444. That on August 23, 2006, Timothy Petty was found not guilty of all counts after a bench trial in front of the Honorable Clayton Crane at 2650 South California Avenue, Chicago, Illinois.
445. That the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested

and/or caused the arrest of Plaintiff, Timothy Petty, for first degree murder, attempted first degree murder, aggravated battery with a firearm, aggravated discharge of a firearm, aggravated battery, unlawful use of a weapon by a felon, and aggravated unlawful use of a weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, causing him to be in the Chicago Police Department and the Cook County Department of Corrections, imprisoning him for more than 2 ½ years (997 days).

446. As a direct and proximate result of the aforesaid wrongful conduct by Defendants, the Plaintiff, Timothy Petty, suffered damages.
447. That the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested Plaintiff, Timothy Petty, for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and Aggravated Unlawful Use of a Weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and imprisoning him against his will.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, J. WEITZMAN, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XX**

**(Malicious Prosecution-J. Weitzman)**

447. The Plaintiff re-alleges and re-incorporates by reference paragraphs 411 thru 446 of Count XIX.
448. On November 29, 2003, the Defendant, Chicago Police Officer J. Weitzman, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and Elizabeth Dawson, by initiating the criminal complaint, commenced and continued a criminal case against Plaintiff, specifically, the case of People v. Timothy Petty, Case Number 03CR28185 in the Circuit Court of Cook County.
449. In a bench trial for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and Aggravated Unlawful Use of a Weapon, Plaintiff, Timothy Petty was found Not Guilty.
450. The aforesaid criminal charges against Timothy Petty were terminated in his favor when he was found Not Guilty.

451. There was no probable cause for the criminal case against Timothy Petty.
452. The defendants acted with malice and/or with willful and wanton disregard of Plaintiff, Timothy Petty's, rights.
453. As a direct and proximate result of aforesaid wrongful conduct by defendants, Timothy Petty, suffered damages.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, J. WEITZMAN, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXI**

**(False Imprisonment-Elizabeth Dawson)**

454. The Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 15 of Count I.
455. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew and should have known that Frederick Tarver, Lowell Hubbard, Sebastian Moore, Mario Parker, and Sergio Miller a/k/a Srdjen Kostic, could not identify the unknown shooters.

456. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, had information that Frederick Tarver was a known gang member and convicted felon.
457. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Defendants, Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, J. Weitzman, and Jamie Kane, acting as employees of the City of Chicago and on the City of Chicago's behalf, had information that Frederick Tarver was present at the scene of the shooting and previously told Chicago Police Officers that he could not identify the shooters because the shooters were wearing all black, with skull caps and masks.
458. That on October 18, 2003, Frederick Tarver was taken into custody and held against his will by Defendant, Chicago Police Officer Elizabeth Dawson, and other unknown Chicago Police Officers.
459. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver was held in custody at Area 3 Violent Crimes for 19 hours against his will by Defendants, Chicago Police Officers J. Weitzman, Star #20307, William

Davis, Star #20166, Detective Gregory Danz, Star #20111, and Detective Harry Fenner, Star #20625.

460. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Defendants, Chicago Police Officers J. Weitzman, William Davis, Gregory Danz, and Harry Fenner, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew and should have known that Frederick Tarver, a known gang member and convicted felon, was unable to identify the alleged unknown shooters.
461. That on October 18, 2003, and October 19, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver was held in a locked room which had no windows, cement or hard tile floor, a hard wooden bench, and blank walls.
462. That on October 18, 2003 and October 19, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver was locked in the previously described room with no access to food or water, and no access to the washroom without request.
463. That on October 18, 2003 and October 19, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver was not given free access to leave, change clothes, and/or sleep except on a hard wooden bench even though he repeatedly requested to go home.

464. That on October 18, 2003 through October 19, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that the Defendants, Chicago Police Officers J. Weitzman, William Davis, Gregory Danz, and Harry Fenner, acting as employees of the City of Chicago and on the City of Chicago's behalf, told Frederick Tarver that he would be unable to leave the police station until he identified a person he knew as "Spank" in a photo array as one of the shooters.
465. That on October 19, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that after thirteen hours in custody, Frederick Tarver identified in a photo array a person he knew as "Spank" as a result of threats by Defendants, Chicago Police Officers J. Weitzman, William Davis, Gregory Danz, and Harry Fenner, and other unknown Chicago Police Officers acting as employees of the City of Chicago and on the City of Chicago's behalf.
466. That on October 19, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that after thirteen hours in custody, Frederick Tarver identified in a photo array a person he knew as "Spank" as a result of threats by Defendants, Chicago Police Officers J. Weitzman, William Davis, Gregory Danz, and Harry Fenner, and other unknown Chicago Police Officers, acting as employees of the City of Chicago and on the City of Chicago's behalf, breaking Frederick Tarver's will, including, but not limited to, fear of being wrongfully charged in the

shooting incident, unlawful incarceration, and Frederick Tarver's desire to leave his current unlawful restraint.

467. That on October 18, 2003, the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, J. Weitzman, Gregory Danz, William Davis, Harry Fenner, Jamie Kane, Allen Lee, Mark Regal, L. Thezan, J. Evans, and Joseph O'Carroll, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that the Plaintiff, Timothy Petty, had a nickname of "Spank", but also knew that he did not match the description given of the shooters since the Plaintiff was 5'11 and 22 years of age at the time of the incident.
468. That on November 29, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that the Plaintiff, Timothy Petty, was taken into custody without probable cause and unlawfully arrested by the Defendants, in concert with each other and by their actions, knowing that Frederick Tarver could not identify Timothy Petty as being present and/or involved with the shooting.
469. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, acting as employees of the City of Chicago and on the City of Chicago's behalf, maliciously broke down the door of the home of Frederick Tarver.

470. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, acting as employees of the City of Chicago and on the City of Chicago's behalf, maliciously broke into the home of Frederick Tarver with guns drawn knowing such actions would cause Frederick Tarver to fear for his life and freedom.
471. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver was locked in an interrogation room against his will for approximately ten hours.
472. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Chicago Police Officers, including, but not limited to, Jamie Kane, Allen Lee, and Harry Fenner, by their actions and in concert with each other and other unknown officers, acted maliciously, willful, wanton, and in total disregard of the Plaintiff, Timothy Petty's, rights, by threatening Frederick Tarver with Violation of Probation if he did not identify Timothy Petty in a line-up as one of the shooters.
473. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Defendants, Chicago Police Officers, including, but not limited to, Michael Conway, Mark Regal, Gregory Danz, William Davis, Harry Fenner, and Joseph O'Carroll, acting as employees of the City of Chicago and on the City of Chicago's behalf,

knew that Frederick Tarver, a convicted felon and gang member, was unable to identify either of the shooters, was fearful of incarceration, was fearful of Violation of Probation, and was fearful of threats by Police Officers.

474. That the Defendants, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Chicago Police Officers J. Weitzman, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, and Jamie Kane, by their actions and in concert with each other, acted maliciously, willful, wanton, and in total disregard to Plaintiff's rights, knowing or should have known that Frederick Tarver was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest by the Defendants and other members of the Chicago Police Department.
475. That on March 24, 2004, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver and other named Plaintiffs filed a complaint against The City of Chicago, Phil Cline, Terry G. Hillard, and Chicago Police Officers Scott, Blackledge, Gray, Hightower, Mason, Milz, Easter, Frazier, Howard, Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, Joseph O'Carroll, J. Lopez, Gary Bush, Charles Daley, W. Ruck, P. O'Donovan, James Egan, Edward Carroll, John Haniacek, Kevin Bor and Chicago

Police Sergeants Walsh, Howard, and Holy, and John Does One through Four.

476. That the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that Frederick Tarver filed a lawsuit on March 24, 2004 against the City of Chicago, Michael Conway, Mark Regal, Elizabeth Dawson, Gregory Danz, William Davis, Harry Fenner, J. Weitzman, J. Kane, A. Lee, L. Thezan, J. Evans, and Joseph O'Carroll, alleging that Frederick Tarver was held against his will and coerced into identifying Timothy Petty as the shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.
477. That the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, acting as employees of the City of Chicago and on the City of Chicago's behalf, knew that on October 14, 2005, Frederick Tarver gave a deposition indicating that he was held against his will and coerced into identifying Timothy Petty as the

shooter and maliciously and with wanton disregard of the Plaintiff, Timothy Petty's, rights, continued the prosecution against Timothy Petty and took no action to terminate the criminal charges against Timothy Petty.

478. That on April 14, 2006, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Frederick Tarver settled his case recovering damages against the Defendant, City of Chicago.
479. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that shooting victim Sebastian Moore was interviewed by Officer G. Kalfas, Star #19329 and Officer G. Johnson, Star #19324 and stated that the shooters were two unknown offenders, black in race, 16-18 years of age, and 5'0-5'5 1/2 inches tall, wearing all black, with skull caps and masks.
480. That on October 18, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that shooting victim Sebastian Moore stated to Chicago Police Officers William Davis, Star #20166 and Gregory Danz, Star #20111 that he had no idea who the offenders (shooters) were or why he got shot.
481. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down the door of the home of Frederick Tarver, where Sebastian Moore was also located.

482. That on December 1, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, maliciously broke down and entered into the home of Frederick Tarver, where Sebastian Moore was also located, with guns drawn knowing such actions would cause Sebastian Moore to fear for his life and freedom.

483. That the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, by their actions and in concert with each other acted maliciously, willful, and wanton and in total disregard to Plaintiff's rights knowing or should have knowing that Sebastian Moore was identifying Timothy Petty based on the threats, assaults, unlawful confinement, and unlawful arrest, by the Defendants and other members of the Chicago Police Department.

484. That on November 29, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that the Plaintiff, Timothy Petty, identified as Spank, was taken into custody and subsequently charged with 3 counts of First Degree Murder, 5 counts of Attempted First Degree Murder, 2 counts of Aggravated Battery with a Firearm, 5 counts of Aggravated Discharge of a Firearm, 6 counts of Aggravated Battery, 2

counts of Unlawful Use of Weapon by a Felon, and 4 counts of Aggravated Unlawful Use of a Weapon.

485. That on November 29, 2003, Defendant, Chicago Police Officer Elizabeth Dawson, knew or should have known that Plaintiff, Timothy Petty, informed Chicago Police Officers, including, but not limited to, Defendants, Chicago Police Officers Mark Regal and Michael Conway, that he was in a different location at a public establishment at the time of the shooting and the Defendants maliciously, and with willful and wanton disregard, did not adequately investigate the Plaintiff, Timothy Petty's, alibi.
486. That on November 29, 2003, Timothy Petty was held in continuous custody in the Chicago Police Station and Cook County Jail until August 23, 2006.
487. That on August 23, 2006, Timothy Petty was found not guilty of all counts after a bench trial in front of the Honorable Clayton Crane at 2650 South California Avenue, Chicago, Illinois.
488. That the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested and/or caused the arrest of Plaintiff, Timothy Petty, for first degree murder,

attempted first degree murder, aggravated battery with a firearm, aggravated discharge of a firearm, aggravated battery, unlawful use of a weapon by a felon, and aggravated unlawful use of a weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and caused him to be in the Chicago Police Department and the Cook County Department of Corrections, imprisoning him for more than 2 ½ years (997 days).

489. As a direct and proximate result of the aforesaid wrongful conduct by Defendants, the Plaintiff, Timothy Petty, suffered damages.
490. That the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, acting for themselves, and/or in concert with each other, in official capacity and as authorized agents and servants of the Defendant, City of Chicago, arrested Plaintiff, Timothy Petty, for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and Aggravated Unlawful Use of a Weapon without reasonable grounds to arrest and without legal cause by restraining him, handcuffing him, and imprisoning him against his will.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, ELIZABETH DAWSON, a Chicago Police Officer employed by Defendant

CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXII**

**(Malicious Prosecution-Elizabeth Dawson)**

491. The Plaintiff re-alleges and re-incorporates by reference paragraphs 454 thru 490 of Count XXI.
492. On November 29, 2003, the Defendant, Chicago Police Officer Elizabeth Dawson, and other Chicago Police Officers, including, but not limited to, Michael Conway, Gregory Danz, William Davis, Harry Fenner, Joseph O'Carroll, Mark Regal, Allen Lee, Jamie Kane, and J. Weitzman, by initiating the criminal complaint, commenced and continued a criminal case against Plaintiff, specifically, the case of People v. Timothy Petty, Case Number 03CR28185 in the Circuit Court of Cook County.
493. In a bench trial for First Degree Murder, Attempted First Degree Murder, Aggravated Battery with a Firearm, Aggravated Discharge of a Firearm, Aggravated Battery, Unlawful Use of a Weapon by a Felon, and Aggravated Unlawful Use of a Weapon, Plaintiff, Timothy Petty was found Not Guilty.
494. The aforesaid criminal charges against Timothy Petty were terminated in his favor when he was found Not Guilty.
495. There was no probable cause for the criminal case against Timothy Petty.

496. The defendants acted with malice and/or with willful and wanton disregard of Plaintiff, Timothy Petty's, rights.

497. As a direct and proximate result of aforesaid wrongful conduct by defendants, Timothy Petty, suffered damages.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, ELIZABETH DAWSON, a Chicago Police Officer employed by Defendant CITY OF CHICAGO in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXIII**

**(Intentional Infliction of Emotional Distress Against All Defendants)**

498. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 497 of Counts I thru XXII.

499. Defendants, CITY OF CHICAGO, MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARRROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, intentionally engaged in extreme and outrageous behavior against Plaintiff, Timothy Petty, beginning on November 29, 2003 and continuing on during Plaintiff's, Timothy Petty's, incarceration until he was released on August 23, 2006.

500. The Defendants' outrageous behavior caused Plaintiff, Timothy Petty, to suffer severe emotional distress, including anxiety, fear, anger, depression, and humiliation.

501. Defendants intended to inflict emotional distress upon Plaintiff, Timothy Petty, when engaging in the above-described conduct and/or knew that there was a high probability that such conduct would result in such distress.
502. The misconduct described in this Complaint was done with malice, willfulness and reckless indifference to the rights of others.
503. As a proximate result of one or more of these intentional acts or omissions, Plaintiff sustained severe and extreme distress that caused him to sustain personal and pecuniary damages.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, CITY OF CHICAGO, and its employees, Chicago Police Officers MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXIV**

**(Civil Conspiracy)**

504. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 503 of Counts I thru XXIII.
505. As described more fully in the preceding paragraphs, Defendants, acting in concert with other known and unknown co-conspirators, conspired by

concerted action to accomplish an unlawful purpose by an unlawful means.

506. As described more fully in the preceding paragraphs, the complained-of conspiracy included among its objectives a conspiracy to falsely imprison and maliciously prosecute Plaintiff in this case.
507. As described more fully in the preceding paragraphs, in furtherance of the conspiracy, Defendants committed overt acts and were otherwise willful participants in joint activity.
508. The misconduct described in this Count was undertaken with malice, willfulness, and reckless indifference to the rights of others.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, CITY OF CHICAGO, and its employees, Chicago Police Officers MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXV**

**(Respondeat Superior)**

509. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 508 of Counts I thru XXIV.
510. In committing the acts alleged in the preceding paragraphs, each of the Defendant Officers were members of, and agents of, the Chicago Police

Department acting at all relevant times within the scope of their employment.

511. Defendant City of Chicago is liable as principal for all torts committed by its agents.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, CITY OF CHICAGO, and its employees, Chicago Police Officers MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXVI**

**(Indemnification)**

512. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 511 of Counts I thru XXV.

513. Illinois law provides that public entities are directed to pay any tort judgment for compensatory damages for which employees are liable within the scope of their employment activities.

514. The Defendant Officers are or were employees of the City of Chicago Police Department, who acted within the scope of their employment in committing the misconduct described herein.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against the Defendant, CITY OF CHICAGO, and its employees, Chicago Police Officers MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable.

**COUNT XXVII**

**(42 U.S.C. 1983—Due Process—Right to Fair Trial—All Individual Defendants)**

515. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 514 of Counts I thru XXVI.
516. At all relevant times, Defendants Conway, Regal, Danz, Davis, Fenner, O'Carroll, Lee, Kane, Weitzman and Dawson were acting under color of law and within the scope of their employment.
517. As described more fully above, Defendants Conway, Regal, Danz, Davis, Fenner, O'Carroll, Lee, Kane, Weitzman and Dawson, while acting either individually, jointly, and/or in conspiracy, deprived Plaintiff of his constitutional right to a fair trial, as protected by the Due Process Clause of the Constitution.
518. The Fifth and Fourteenth Amendments to the Constitution of the United States prohibit the malicious acquisition and use of false or misleading witness statements inculpating persons when, as here, investigators knew or should have known that the statements obtained were flawed.

519. The Fifth and Fourteenth Amendments to the Constitution of the United States prohibit investigating officers from concealing exculpatory information from prosecutors and misadvising them about the investigative facts of a case.
520. Defendants violated the above precepts when they successfully induced prosecutors to wrongfully prosecute Plaintiff for murder and other crimes that he did not commit.
521. Defendants' actions included, but are not limited to, depriving prosecutors and Plaintiff of exculpatory material and information. This exculpatory material and information should have been provided by Defendants to prosecutors, who would have then been in a position to reassess and drop the prosecution against Plaintiff, or, alternatively, prosecutors would have been legally required under Brady v. Maryland to disclose this exculpatory material to Plaintiff.
522. As a direct and proximate result of the violation of his constitutional right to a fair trial, Plaintiff Timothy Petty suffered damages.
523. Defendants' misconduct was objectively unreasonable and was undertaken intentionally and with willful indifference to Plaintiff's constitutional rights.
524. Defendants' misconduct renders them liable to Plaintiff pursuant to the Fifth and Fourteenth Amendments to the United States and Title 42, United States Code, Section 1983.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against Defendant Chicago Police Officers MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable. Plaintiff also specifically requests the recovery of all attorneys' fees incurred by Plaintiff during the prosecution of this case, as provided for under 42 U.S.C. § 1988.

**COUNT XXVIII**

**(42 U.S.C. 1983—Conspiracy to Deprive Constitutional  
Rights—All Individual Defendants)**

525. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 524 of Counts I thru XXVII.
526. Defendants Conway, Regal, Danz, Davis, Fenner, O'Carroll, Lee, Kane, Weitzman and Dawson knowingly conspired to frame Plaintiff for murder and other crimes that Plaintiff did not commit, therein depriving Plaintiff of his constitutionally rights to due process and to a fair trial.
527. The Defendant officers conspired by their concerted action to accomplish an unlawful purpose by an unlawful means.
528. In furtherance of the conspiracy, each co-conspirator committed overt acts and was an otherwise willful participant in the conspiracy.
529. Defendants' conspiratorial conduct included, but was not limited to, depriving prosecutors and Plaintiff of exculpatory material and

information. This exculpatory material and information should have been provided by Defendants to prosecutors, who would have then been in a position to reassess and drop the prosecution against Plaintiff, or alternatively, would have been required under Brady v. Maryland to disclose this exculpatory material to Plaintiff.

530. As a direct and proximate result of the violation of the conspiracy amongst the Defendants, Plaintiff Timothy Petty suffered damages, including but not limited to emotional distress.
531. Defendants' misconduct was objectively unreasonable and was undertaken intentionally with willful indifference to Plaintiff's constitutional rights.
532. Defendants' misconduct renders them liable to Plaintiff pursuant to the Fifth and Fourteenth Amendments to the United States and Title 42, United States Code, Section 1983.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against Defendant Chicago Police Officers MICHAEL CONWAY, MARK REGAL, GREGORY DANZ, WILLIAM DAVIS, HARRY FENNER, JOSEPH O'CARROLL, ALLEN LEE, JAMIE KANE, J. WEITZMAN, and ELIZABETH DAWSON, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable. Plaintiff also specifically requests the recovery of all attorneys' fees incurred by Plaintiff during the prosecution of this case, as provided for under 42 U.S.C. § 1988.

**COUNT XXIX**

*(Monell claim—City of Chicago)*

533. Plaintiff re-alleges and re-incorporates by reference paragraphs 1 thru 532 of Counts I thru XXVIII.

534. At all relevant times, the City of Chicago maintained a custom, policy or practice of detaining persons whom the police believed were witnesses to certain crimes for extended periods of time against their will and confined them in locked interrogation rooms at police stations.

535. At a hearing conducted before a federal District judge in *First Defense Legal Aid v. City of Chicago*, 01 C 9671, the federal court found, based largely on admissions made by Chicago Police Superintendent Phil Cline and another high ranking member of the Police, that the City's policies included the following:

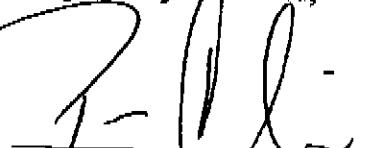
- (a) Witnesses are taken to police stations for questioning, are thoroughly searched and then "secured" by being locked in small, windowless interrogation rooms, which are lacking toilets or running water and typically are furnished only with a metal bench bolted to the wall;
- (b) Witnesses typically are held in these rooms for many hours and in some cases days;
- (c) Counsel for these witnesses who appear at the police station are refused access to their clients;
- (d) This confinement of witnesses, as described above, is specifically designed to help witnesses "overcome their reluctance" to cooperate with the police;

- (e) Witnesses confined under these conditions are not free to leave the police station and are, in fact, confined there against their will.
- 536. The custom, policy and practice described above at all relevant times was widespread, permanent and well-settled. In fact, the above custom, policy and practice was vigorously defended by attorneys for the City of Chicago in *First Defense Legal Aid v. City of Chicago*.
- 537. The custom, policy and practice described above caused the unlawful seizure and detention of Frederick Tarver and was the proximate cause of Tarver's coerced statement in which Tarver falsely identified Plaintiff as being responsible for the shooting of Albert Council, Lowell Hubbard and Sebastian Moore on October 18, 2003.
- 538. The custom, policy and practice described above led to inculpatory but "false" evidence being created against Petty.
- 539. This false inculpatory evidence against Petty was used by Defendants to falsely arrest, falsely imprison, and maliciously prosecute Petty.
- 540. This false inculpatory evidence against Petty was used by Defendants to violate Petty's constitutional rights, including but not limited to Petty's right to receive a fair trial.
- 541. On April 5, 2005, Kyle Davis, on behalf of a class of similarly situated persons, filed a lawsuit against the City of Chicago (05 C 1967) complaining of the custom, policy and practice described above.
- 542. In July 2007, the City of Chicago settled Davis' lawsuit and paid \$250,000, pursuant to the settlement of the case.

543. As part of the release and settlement entered into between the parties, the City of Chicago implemented a Special Order (No. 07-05) regarding the treatment of witnesses. The revised Special Order states *inter alia* that (a) witnesses shall be and remain free to leave, (b) witnesses are typically given a "witness advisory" which advises witnesses that "you are free to leave when you want," (c) conditions for witnesses at police facilities shall be reasonable, (d) witnesses are entitled to reasonable access to bathroom facilities, food and water, and (e) investigating offices will "ensure the comfort and overall well-being" of witnesses while at police facilities.

WHEREFORE, Plaintiff, TIMOTHY PETTY, demands judgment against Defendant CITY OF CHICAGO, in an amount in excess of THIRTY MILLION, NINE HUNDRED EIGHTY SEVEN DOLLARS AND NO CENTS (\$30,000,987.00), plus costs of suit, and any other relief the Court deems equitable. Plaintiff also specifically requests the recovery of all attorneys' fees incurred by Plaintiff during the prosecution of this case, as provided for under 42 U.S.C. § 1988.

Respectfully submitted,

  
Patrick M. Campanelli  
Attorney for Plaintiff

Patrick M. Campanelli  
Attorney for Plaintiff  
9760 South Roberts Road  
Suite One  
Palos Hills, Illinois 60465  
708-598-8540  
Atty. No.: 35052

CERTIFICATION

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct.

*Timothy Petty*  
TIMOTHY D. PETTY

SUBSCRIBED and SWORN to  
before me this 5<sup>th</sup> day  
of November, 2007.

*Nicole Olivito*  
Nicole Olivito  
Notary Public



Patrick M. Campanelli  
Atty. No.: 35052  
Attorney for Timothy D. Petty  
9760 South Roberts Road  
Suite One  
Palos Hills, Illinois 60465  
708-598-8540

DEC 13 2007

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION

**FILED**

DEC 13 2007

Timothy D. Petty	)	MICHAEL W. DUBBINS
	)	CLERK, U.S. DISTRICT COURT
Plaintiff,	)	
v.	)	07cv7013
CITY OF CHICAGO, a municipal	)	Judge ANDERSEN
Corporation, et al.,	)	Mag. Judge DENLOW
Defendants.	)	

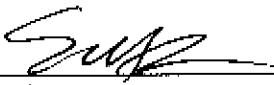
**NOTICE OF FILING**

TO: Patrick M. Campanelli  
 Attorney at Law  
 9760 South Roberts Road, Suite #1  
 Palos Hills, Illinois 60465

**PLEASE TAKE NOTICE** that I have this day filed with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, a **NOTICE OF REMOVAL**, a copy of which is attached hereto and herewith served upon you.

**DATED** at Chicago, Illinois this 13<sup>th</sup> day of December, 2007.

Respectfully submitted,

  
 Scott Jebson  
 Chief Assistant Corporation Counsel

30 N. LaSalle Street  
 Suite 1400  
 Chicago, Illinois 60602  
 (312) 744-6959  
 Atty. No. 6287125